

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-MJ-545 GJF

APRIL MARIE MILLER,

Defendant.

NOTICE OF INTENT TO ENTER GUILTY PLEA

COMES NOW, Defendant, April Marie Miller, by and through her attorney of record, Francisco Valcarcel, and hereby gives notice that she intends to enter a plea to the charge herein. Defendant further acknowledges that the time period from the date of the filing of this Notice to the date of the change of plea hearing, should be excluded from speedy trial computation pursuant to 18 U.S.C. § 3161(h)(1)(D).¹

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
506 S. Main, Suite 400
Las Cruces, New Mexico 88001
(575) 527-6930

Electronically filed May 23, 2023.

By: /s/ Francisco Valcarcel

FRANCISCO VALCARCEL
Assistant Federal Public Defender

¹ *United States v. Loughrin*, 710 F.3d 1111, 1120 (10th Cir. 2013) (holding that a defendant's request to change his plea clearly constitutes a pretrial motion which triggers exclusion of time under the Speedy Trial Act, thus, the days between a notice of a change of plea and the change-of-plea hearing are excludable under the STA); *see also United States v. Hunter*, 9 F. App'x 857, 859-60 (10th Cir. May 24, 2001) (holding that the filing of a notice that the defendant wanted to change his plea "is treated as a pretrial motion requiring a hearing for purposes of the Speedy Trial Act," and that "the entire period between notifying the court that [the defendant] wanted to change his plea and the change-of-plea hearing itself was excluded for purposes of the Speedy Trial Act.